WPMS NO. 547 OF 2003

Hon. Irshad Hussain, J.

Heard learned counsel for the petitioner and the learned standing counsel appearing on behalf of the State.

The election petition was filed by respondent no.5 against the election of the petitioner as Pradhan and the same was allowed by the Prescribed Authority setting aside the election of the petitioner. The petitioner had preferred a revision before the learned District Judge which has been admitted, but no interim order was passed on the date of admission. The prayer sought is that the District Judge may be directed to stay the operation of the order of the Prescribed Authority so that the petitioner may continue to act as the Pradhan of the Gram Sabha. It is of significance that the petitioner has preferred another petition before this Court which was disposed of by order dated 09.6.2003, whereby the direction was given to handover the charge of the Pradhan to Up-Pradhan in view of the statutory provision of the Panchayat Raj Act, 1947. Since the election petition had been allowed by the Prescribed Authority and the revision has been admitted and further that the order of the court is there to fill-up the vaccum, it does not appear proper to give any direction to the learned District Judge to pass any interim order in favour of the petitioner. In view thereof the petition is devoid of merit and the same is dismissed accordingly. However, it is directed that the learned District Judge shall dispose of the revision expeditiously preferably within a period of one month from the date of production of certified copy of this order.

(Irshad Hussain, J.)

23.06.2003/B.